



**VILLAGE OF BISCAYNE PARK**  
**Village Commission Agenda Report**

**#Item 15.a.4**

**REGULAR MEETING**

---

**TO:** Honorable Mayor & Members of the  
Biscayne Park Village Commission

**FROM:** Sharon P. Ragoonan, Village Manager

**DATE:** January 10, 2017

**TITLE:** Village Manager's Report: Adoption of mandatory requirements for  
construction site cleanliness and construction site safety

---

**Recommendation**

It is recommended the Village Commission discuss the adoption of legislation to authorize the Village Manager to establish requirements for construction site cleanliness and construction site safety.

**Background**

The real estate market is on an upswing and the new owners of properties in the Village are completing a full rebuild of the site or major renovations to the property. As a result, the construction site is entirely visible to the public which develops into a visual blight to the surrounding area. The adoption of mandatory requirements for construction site cleanliness and construction site safety (Exhibit 1) is needed to ensure that a contractor maintains the site on a daily basis, adheres to public safety and environmental protection guidelines such as erosion and sediment control, and mitigates any public nuisances that may arise at the location and impact neighboring properties.

In order to implement these construction site requirements, the enactment of legislation is needed to establish a code section for general construction requirements and provide for the issuance of an administrative citation for infractions of the section.

With direction from the Village Commission, staff will take the appropriate steps to formalize the procedures and draft the proposed ordinances for 1<sup>st</sup> and 2<sup>nd</sup> reading by the elected body.

**Resource Impact** - There is no fiscal impact associated with this action.

**Attachment**

Exhibit 1 – Proposed Mandatory Requirements for Construction Site Cleanliness and  
Construction Site Safety

Exhibit 2 – Example of proposed language for general construction requirements section

---

Prepared by: Sharon P. Ragoonan, Village Manager

January 10, 2017

Item# 15.a.4

Page 1 of 5

Exhibit 1

Village of Biscayne Park  
Building Department

Notice to Contractors

Mandatory Requirements for Construction Site Cleanliness and Construction Site Safety

Date: \_\_\_\_\_

Construction Site Address: \_\_\_\_\_

Contact Phone: \_\_\_\_\_

1. Construction work start time in Town is 7:00 am. No work is to start or the gates to be open prior to 7:00 am. All construction work at sites are to stop by 7:00 pm, Monday through Friday. No construction work is allowed on Sundays.
2. The construction site must be secured with a lock and the dumpster must be covered by close of business each day.
3. Blocking of the Village's roadways will not be tolerated. Parking along the curbs of the Village's roadways and medians is not allowed. Each contractor must monitor and supply ample parking for their employees and visitors travelling to the site. Scheduling of concrete pours and all phases of construction that may require trucks and or heavy equipment vehicles to be stationed on the Village's roadways must supply a certified flagman to direct traffic, in addition, sites on N.E. 6<sup>th</sup> Avenue will require a Florida Department of Transportation lane closure permit.
4. During the course of construction or demolition work being done on any premises, it shall not be permitted for any person to cause, permit or allow the emissions of particulate matter from any source whatsoever, including, but not limited to, incidents caused by vehicular movement, transportation of materials, construction, alteration, demolition or wrecking of buildings or structures, or the stockpiling of sand or dirt, without taking reasonable precautions to prevent such emissions or to preclude fugitive particulates that may trespass on neighboring properties during dry and windy weather. In the case of stockpiled particulate materials, such materials shall be stabilized by adequate coverings, by wetting or by chemical application to the satisfaction of the Village's Officials.
5. Construction sites and neighboring properties are to be maintained in a clean condition at all times and any papers, litter, dirt, dust and/or construction materials are to be disposed of and/or secured at the end of each day's work by placement in the trash container provided at the construction site. All trash containers must be covered nightly and on weekends as required by our code.
6. Gravel entry areas into the construction site as well as storm drain inlets are to be maintained in accordance with best management practices for erosion and

sediment control so as to eliminate standing water, and runoff into the roadway or storm drain.

7. High grass and weeds are to be cut and maintained as to not create a public nuisance. **Daily maintenance is required.**
8. All areas surrounding construction sites which are affected by dust, dirt and debris from the construction site shall be swept clean of such dust, dirt and debris a minimum of two times per day; at least one of which must be at the conclusion of work for that day.
9. All construction debris not placed in a dumpster shall be removed from the construction site within twenty-four (24) hours.
10. Pools under construction shall be kept clean of any debris until such time as the pool is properly filtered. All standing water in pools under construction or not in use must be properly treated to eliminate algae, insects, etc.
11. It is not be permitted for any person to store any material in an unsecured area, which is deemed unsafe, or a danger to those accessing the site. It is not be permitted to store any construction materials in any manner whereby the material or a portion of the materials is stored outside the legal boundaries of the site. Reasonable exceptions to this subsection, for a reasonable period of time, may be considered on a case-by-case basis by obtaining permission by the Village Manager.
12. **Violation** of this section **shall constitute grounds for the issuance of a stop work order** by the building official in accordance with the provisions of the Village's Code of Ordinances and the Florida Building Code. A **civil violation fine will be imposed upon the property** for each infraction committed in accordance with the Village's Code of Ordinances.

Agreed to and Accepted by:

Company Name: \_\_\_\_\_

\_\_\_\_\_  
Signature of the Qualifier for the Corporation

Print Qualifier's Name: \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public State of Florida at Large (seal)

## Exhibit 2

### Example of Proposed Language for General Construction Requirements Section

#### Sec. 10.5.xx - General construction requirements.

- (a) All Construction sites shall be maintained free of loose debris and scrap materials. No open pits, holes, or trenches shall be permitted on the construction site except during construction activity or when a guard is present.
- (b) All construction sites shall be enclosed with a temporary six-foot fence which shall be installed prior to commencement of any construction activity or material deliveries. The fence shall be chain link, covered with green or black nylon material screening the construction from view, and installed on the front, side and rear lot lines. The fence shall not be placed so as to create a public safety hazard and the fence gate shall be locked during nonworking hours.
- (c) Retention precast stem walls or solid masonry walls shall be required at all new construction projects to contain water runoff from impacting adjacent properties.

#### Sec. 10-5.xx - Solid waste control during construction.

- (a) The contractor shall provide before any construction, adequate refuse and garbage containers. All persons employed on the premises shall be instructed to use these containers for the disposal of left-over food, rubbish, garbage, or construction debris, etc. Premises shall be kept clean and sanitary.
- (b) Houses under construction shall be provided with waste receptacles of above-ground type in sufficient numbers to contain all garbage and waste produced by the house. Garbage and waste placed outside of receptacles shall constitute a violation of this section and is declared to be a public nuisance.

#### Section. 17.2.xx – Bond of Accompany Building Permit Application.

- (a) Whenever an application is made for a building permit in the Village and during the construction under permit, it shall be the duty of the Building Official to determine whether the improvement being permitted or constructed will impact the appearance of the Village by the possibility or occurrence of construction debris left abandoned or damage to the Village median during or upon the completion of the work associated with the permit. If, in the opinion of the Building Official, it appears probable that, in the course of construction, that construction debris may be or has been abandoned or that the work involved will leave or has left debris or damage to the Village median that will not be restricted to the project site, the Building Official shall require a cash bond of \$1,000.00 to be posted and maintained with him by the applicant. This bond shall be posted in addition to any amounts otherwise required to be paid to the Village by the Applicant including, but not limited to, any fees required pursuant to other resolutions or ordinances of the Village relating to the improvement of the property.

- (b) The Building Official shall give a receipt for the sum of money on a form to be prepared by him. The receipt form shall contain a provision that any part or all of the sum shall be forfeited upon documentation of damage to the median or debris at the site which is not properly contained in dumpsters or otherwise. The Village will restore the median or clean the debris left on the site that has been abandoned or is otherwise littering or likely to litter or on the private property of any Village resident, or other areas of the Village other than the job site. Any amount of forfeiture will trigger a stop work order while the \$1,000.00 bond is replenished and the site cleaned of debris.
- (c) Before final approval of any building or structure constructed or any other work for which a permit has been issued, the Building Official shall require the clean up of the work site and shall refuse final approval of the construction permit unless the clean up is completed.